

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

INSIGHT GLOBAL, LLC,

Plaintiff,

-v-

DANIEL WENZEL, LUKE NORMAN,
LAUREN SUTMAR, and BEACON
HILL STAFFING GROUP, LLC

Defendants.

Civil Action No.: 1:17-cv-8323 (PGG)

**DECLARATION OF EDWARD E. FILUSCH AND APPENDIX TO PLAINTIFF
INSIGHT GLOBAL'S STATEMENT OF UNDISPUTED MATERIAL FACTS**

I, Edward E. Filusch, declare, upon personal knowledge and under penalty of perjury, that the following is true and correct:

1. I am a member of the Bar of this Court and a member of Kasowitz Benson Torres LLP, counsel for Plaintiff Insight Global, LLC ("Insight Global") in this matter. I make this Declaration on personal knowledge and in Support of Insight Global's Motion for Partial Summary Judgment as to Its Breach of Contract Claims Against Daniel Wenzel ("Wenzel"), Lauren Sutmar ("Sutmar") and Luke Norman ("Norman") (collectively, the "Individual Defendants").

2. According to Google Maps, the walking distance between Insight Global's New York office (located at 250 Park Avenue, New York, NY 10177), and Beacon Hill's New York office (located at 104 West 40th Street, New York, NY 10019), is 0.7 miles.

3. Pursuant to and in accordance with Rule V.C of the Individual Rules of Practice of this Court, set forth below is an index of the record authority cited in Insight Statement of Undisputed Material Facts, which documents are annexed hereto:

EXHIBIT #	DESCRIPTION
Katie Archer	
1.	A true and correct copy of the Declaration of Katie Archer, sworn to on January 4, 2019 (“Archer Decl.”). ¹
Skylar Cuppy	
2.	A true and correct copy of excerpts from the transcript of the deposition of Skylar Cuppy taken on May 30, 2018 (“Cuppy Dep.”).
Michael Fromhold	
3.	A true and correct copy of the Declaration of Michael Fromhold, sworn to on January 4, 2019 (“Fromhold Decl.”).
4.	A true and correct copy of excerpts from the transcript of the deposition of Michael Fromhold taken on May 24, 2018 (“Fromhold Dep. Vol. I”).
5.	A true and correct copy of excerpts from the transcript of the deposition of Michael Fromhold taken on August 1, 2018 (“Fromhold Dep. Vol. II”).
Jeffrey McLaren	
6.	A true and correct copy of excerpts from the transcript of the deposition of Jeffrey McLaren taken on May 21, 2018 (“McLaren Dep. Vol. I”).
Luke Norman	
7.	A true and correct copy of Norman’s Answer to Insight Global’s Second Amended Complaint, which was filed on ECF at No. 69 (“Norman Ans.”).
8.	A true and correct copy of excerpts from the transcript of the deposition of Luke Norman taken on April 24, 2018 (“Norman Dep.”).
9.	A true and correct copy of Norman’s employment agreement with Insight Global executed by Norman on December 21, 2014, which was marked as Exhibit 4 at Norman’s deposition.
10.	A true and correct copy of Norman’s operative employment agreement with Insight Global executed by Norman on February 8, 2016, which was marked as Exhibit 5 at Norman’s deposition.
11.	A true and correct copy of a document signed by Norman on February 8, 2015 marked as Exhibit 6 at Norman’s deposition.
12.	A true and correct copy an Insight Global training document labeled “Recruiter Training,” which was marked as Exhibit 7 at Norman’s deposition.
13.	A true and correct copy of an Insight Global training document labeled “Recruiter Manual,” which was marked as Exhibit 8 at Norman’s deposition.
14.	A true and correct copy of a document produced in native format marked as Exhibit 11 at Norman’s deposition.
15.	A true and correct copy of an offer letter from Beacon Hill to Norman dated September 8, 2017, and executed by Norman on September 8, 2017, which was marked as Exhibit 13 at Norman’s deposition.
16.	A true and correct copy of Norman’s employment agreement with Beacon Hill entered into as of September 25, 2017, which was marked as Exhibit 14 at Norman’s deposition.

¹ Where it exists, also included is each deponent’s errata sheet.

EXHIBIT #	DESCRIPTION
17.	A true and correct copy of Norman's separation agreement with Insight Global executed by Norman on September 8, 2017, which was marked as Exhibit 15 at Norman's deposition.
18.	A true and correct copy of Norman's paystub from September 17, 2017 to September 23, 2017 marked as Exhibit 16 at Norman's deposition.
19.	A true and correct copy of a document summarizing the positions of Account Executives, Staffing Consultants and (Direct-Hire) Consultants at Beacon Hill, signed by Norman on September 27, 2017, which was marked as Exhibit 17 at Norman's deposition.
Samantha Ocampo	
20.	A true and correct copy of excerpts from the transcript of the deposition of Samantha Ocampo taken on May 16, 2018 ("Ocampo Dep.").
Jason Petrovich	
21.	A true and correct copy of excerpts from the transcript of the deposition of Jason Petrovich taken on July 18, 2018 ("Petrovich Dep.").
Ian Ratner	
22.	A true and correct copy of the expert report of Ian Ratner dated June 20, 2018, which was marked as Exhibit 1 at Ratner's deposition.
Lauren Sutmar	
23.	A true and correct copy of Sutmar's Answer to Insight Global's Second Amended Complaint, which was filed on ECF at No. 70 ("Sutmar Ans.").
24.	A true and correct copy of excerpts from the transcript of the deposition of Lauren Sutmar taken on April 25, 2018 ("Sutmar Dep.").
25.	A true and correct copy of Sutmar's employment agreement with Insight Global executed by Sutmar on February 3, 2014, which was marked as Exhibit 4 at Sutmar's deposition.
26.	A true and correct copy of Sutmar's employment agreement with Insight Global executed by Sutmar on June 30, 2014, which was marked as Exhibit 5 at Sutmar's deposition.
27.	A true and correct copy of Sutmar's operative employment agreement with Insight Global executed by Sutmar on April 6, 2016, which was marked as Exhibit 6 at Sutmar's deposition.
28.	A true and correct copy of an Insight Global training document labeled "Recruiter Training," which was marked as Exhibit 7 at Sutmar's deposition.
29.	A true and correct copy of an Insight Global training document labeled "Recruiter Manual," which was marked as Exhibit 8 at Sutmar's deposition.
30.	A true and correct copy of an Insight Global training document, which was marked as Exhibit 9 at Sutmar's deposition.
31.	A true and correct copy of an e-mail that Sutmar sent to her personal GMail account on February 28, 2017, attaching her Insight Global call sheet, which was marked as Exhibit 11 at Sutmar's deposition.
32.	A true and correct copy of Sutmar's Insight Global call sheet marked as Exhibit 12 at Sutmar's deposition.
33.	A true and correct copy of a document produced in native format marked as Exhibit 13 at Sutmar's deposition.

EXHIBIT #	DESCRIPTION
34.	A true and correct copy of a document produced in native format marked as Exhibit 14 at Sutmar's deposition.
35.	A true and correct copy of Insight Global's Designee Packet that Sutmar sent to her personal GMail account on February 21, 2017, which was marked as Exhibit 15 at Sutmar's deposition.
36.	A true and correct copy of an offer letter from Beacon Hill to Sutmar dated March 2, 2017, and executed by Sutmar on March 8, 2017, which was marked as Exhibit 18 at Sutmar's deposition.
37.	A true and correct copy of Sutmar's employment agreement with Beacon Hill entered into as of March 20, 2017, which was marked as Exhibit 19 at Sutmar's deposition.
38.	A true and correct copy of a document summarizing the positions of Account Executives, Staffing Consultants and (Direct-Hire) Consultants at Beacon Hill, signed by Sutmar on March 19, 2017, which was marked as Exhibit 20 at Sutmar's deposition.
39.	A true and correct copy of e-mail correspondence marked as Exhibit 25 at Sutmar's deposition.
40.	A true and correct copy of e-mail correspondence marked as Exhibit 26 at Sutmar's deposition.
41.	A true and correct copy of e-mail correspondence marked as Exhibit 27 at Sutmar's deposition.
42.	A true and correct copy of e-mail correspondence marked as Exhibit 28 at Sutmar's deposition.
43.	A true and correct copy of e-mail correspondence marked as Exhibit 30 at Sutmar's deposition.
Daniel Wenzel	
44.	A true and correct copy of excerpts from the transcript of the deposition of Daniel Wenzel taken on April 26, 2018 ("Wenzel Dep.").
45.	A true and correct copy of Wenzel's operative employment agreement with Insight Global executed by Wenzel on November 21, 2016, which was marked as Exhibit 4 at Wenzel's deposition.
46.	A true and correct copy of Wenzel's employment agreement with Insight Global executed by Wenzel on June 17, 2013, which was marked as Exhibit 5 at Wenzel's deposition.
47.	A true and correct copy of Wenzel's employment agreement with Insight Global executed by Wenzel on April 5, 2016, which was marked as Exhibit 6 at Wenzel's deposition.
48.	A true and correct copy of e-mail correspondence marked as Exhibit 7 at Wenzel's deposition.
49.	A true and correct copy of an Insight Global training document labeled "Recruiter Training," which was marked as Exhibit 8 at Wenzel's deposition.
50.	A true and correct copy of an Insight Global training document labeled "Recruiter Manual," which was marked as Exhibit 9 at Wenzel's deposition.
51.	A true and correct copy of a document signed by Wenzel on May 4, 2015 marked as Exhibit 11 at Wenzel's deposition.

EXHIBIT #	DESCRIPTION
52.	A true and correct copy of an Insight Global training document, which was marked as Exhibit 12 at Wenzel's deposition.
53.	A true and correct copy of a document produced in native format marked as Exhibit 16 at Wenzel's deposition.
54.	A true and correct copy of an offer letter from Beacon Hill to Wenzel dated July 10, 2017, and executed by Wenzel on July 10, 2017, which was marked as Exhibit 25 at Wenzel's deposition.
55.	A true and correct copy of Wenzel's employment agreement with Beacon Hill entered into as of July 10, 2017, which was marked as Exhibit 27 at Wenzel's deposition.
56.	A true and correct copy of a document summarizing the positions of Account Executives, Staffing Consultants and (Direct-Hire) Consultants at Beacon Hill, signed by Wenzel on July 10, 2017, which was marked as Exhibit 28 at Wenzel's deposition.
57.	A true and correct copy of e-mail correspondence marked as Exhibit 30 at Wenzel's deposition.
58.	A true and correct copy of e-mail correspondence marked as Exhibit 31 at Wenzel's deposition.
59.	A true and correct copy of e-mail correspondence marked as Exhibit 32 at Wenzel's deposition.
60.	A true and correct copy of e-mail correspondence marked as Exhibit 34 at Wenzel's deposition.
61.	A true and correct copy of e-mail correspondence marked as Exhibit 48 at Wenzel's deposition.
62.	A true and correct copy of e-mail correspondence marked as Exhibit 52 at Wenzel's deposition.
63.	A true and correct copy of text messages marked as Exhibit 59 at Wenzel's deposition.
64.	A true and correct copy of text messages marked as Exhibit 61 at Wenzel's deposition.
65.	A true and correct copy of text messages marked as Exhibit 62 at Wenzel's deposition.

I declare under penalty of perjury that the above is true and correct, and that I executed this declaration this 4 day of January, 2019 in New York, New York.



EDWARD E. FILUSCH

CERTIFICATE OF SERVICE

I, Jonathan L. Shapiro, an attorney admitted to practice before this Court, hereby certify that on January 7, 2019, I caused a true copy of the foregoing document (“DECLARATION OF EDWARD E. FILUSCH AND APPENDIX TO PLAINTIFF INSIGHT GLOBAL’S STATEMENT OF UNDISPUTED MATERIAL FACTS”), along with Exhibits 1 through 65 referenced therein, to be served via email to the below counsel of record for Defendants, who consented to accept service via email:

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Dated: January 7, 2019
New York, New York

By: /s/ Jonathan L. Shapiro
Jonathan L. Shapiro